

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

YOHANNA M. PIMENTEL and
CATHERINE J. MARTEL,

Plaintiffs,

vs.

CIVIL NO. 1:10-cv-616 (GTS/CFH)

MICHAEL MAGIN and NEW YORK
STATE DEPARTMENT OF HEALTH,

Defendants.

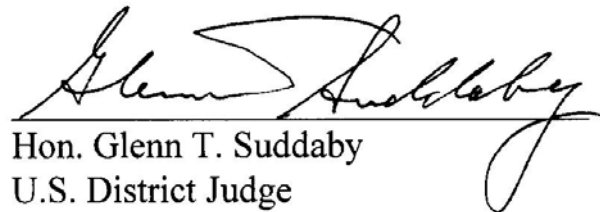
JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. It is therefore hereby

ORDERED that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within thirty (30) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the

event that no request is made for reinstatement within thirty (30) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**. Upon completion of settlement, the parties are directed to exchange general releases and file a Stipulation of Discontinuance with the Court that must include language "that no party hereto is an infant or incompetent" in compliance with N.D.N.Y.L.R. 41.3.

Dated: September 30, 2013
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge